
Federal Communications Commission

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Harry Steinmetz)	File No. EB-FIELDNER-12-00003930
)	
North East, MD)	NOV No. V201232340008

NOTICE OF VIOLATION

Released: September 10, 2012

By the District Director, Columbia Office, Northeast Region, Enforcement Bureau:

1. This is a Notice of Violation (Notice) issued pursuant to Section 1.89 of the Commission's rules (Rules),¹ to Harry Steinmetz, owner of a marine vessel called "Luciferous," located in North East, Maryland. Pursuant to Section 1.89(a) of the Rules, issuance of this NOV does not preclude the Enforcement Bureau from further action if warranted, including issuing a Notice of Apparent Liability for Forfeiture for the violation noted herein.²

2. On August 24, 2012, in response to a complaint from the United States Coast Guard concerning interference on Marine Channel 16, an agent of the Enforcement Bureau's Columbia Office conducted an investigation in North East, Maryland, and observed the following violation:

47 C.F.R. § 80.89(a): "Stations must not engage in superfluous radio communications." At the time of the investigation, agents determined that a continuous carrier was inadvertently being transmitted on Marine Channel 16 from a malfunctioning marine radio station located on Mr. Steinmetz's vessel, which was docked in slip 47 at the Shelter Cove Marina in North East, Maryland.

3. Pursuant to Section 308(b) of the Communications Act of 1934, as amended,³ and Section 1.89 of the Commission's rules, we seek additional information concerning the violations and any remedial actions taken. Therefore, Harry Steinmetz must submit a written statement concerning this matter within twenty (20) days of release of this Notice. The response (i) must fully explain each violation, including all relevant surrounding facts and circumstances, (ii) must contain a statement of the specific action(s) taken to correct each violation and preclude recurrence, and (iii) must include a time

¹ 47 C.F.R. § 1.89.

² 47 C.F.R. § 1.89(a).

³ 47 U.S.C. § 308(b).

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line for completion of any pending corrective action(s). The response must be complete in itself and must not be abbreviated by reference to other communications or answers to other notices.⁴

4. In accordance with Section 1.16 of the Commission's rules, we direct Mr. Steinmetz to support his response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by Mr. Steinmetz verifying the truth and accuracy of the information therein,⁵ and confirming that all of the information requested by this Notice which is in his possession, custody, control, or knowledge has been produced. To knowingly and willfully make any false statement or conceal any material fact in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.⁶

5. All replies and documentation sent in response to this Notice should be marked with the File No. and NOV No. specified above, and mailed to the following address:

Federal Communications Commission
Columbia Office
9200 Farm House Lane
Columbia, MD 21046

6. This Notice shall be sent to Harry Steinmetz at his address of record.

⁴ 47 C.F.R. § 1.89(c).

⁵ Section 1.16 of the Rules provides that "[a]ny document to be filed with the Federal Communications Commission and which is required by any law, rule or other regulation of the United States to be supported, evidenced, established or proved by a written sworn declaration, verification, certificate, statement, oath or affidavit by the person making the same, may be supported, evidenced, established or proved by the unsworn declaration, certification, verification, or statement in writing of such person Such declaration shall be subscribed by the declarant as true under penalty of perjury, and dated, in substantially the following form . . . : 'I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)'." 47 C.F.R. § 1.16.

⁶ 18 U.S.C. § 1001 *et seq.* See also 47 C.F.R. § 1.17.

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7. The Privacy Act of 1974⁷ requires that we advise you that the Commission will use all relevant material information before it, including any information disclosed in your reply, to determine what, if any, enforcement action is required to ensure compliance.

FEDERAL COMMUNICATIONS COMMISSION

Salomon Satche
District Director
Columbia District Office
Northeast Region
Enforcement Bureau

⁷ P.L. 93-579, 5 U.S.C. § 552a(e)(3).